



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 593-00

11 May 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 22 June 1965 at age 17. The record shows that you served without incident until 16 October 1966. On that date you began the first of two lengthy periods of unauthorized absence, the second of which was terminated by your apprehension. A special court-martial convened on 21 July 1967 and convicted you of these two periods of unauthorized absence, totaling about 220 days. The court sentenced you to reduction to pay grade E-1, forfeiture of \$64 pay per month for six month, confinement at hard labor for six months and a bad conduct discharge. On 30 October 1967 you elected to waive your right to request restoration to duty. The bad conduct discharge was issued on 21 November 1967.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, limited education and the documentation you submitted showing that you have been a good citizen for many years. You contend that you became an absentee because you wanted to be with your father after he had a mental breakdown. You have submitted evidence showing that your father died on 20 November 1957. The Board found that these factors and contentions were not sufficient to

warrant recharacterization of your discharge given your two lengthy periods of unauthorized absence, one of which was terminated when you were apprehended. There is no evidence in the record, and you have submitted none concerning your father's mental status prior to his death. However, even if this contention were true, the Board believed that it did not excuse or sufficiently mitigate your misconduct to warrant recharacterization. The Board concluded that the discharge was proper as issued and no change is warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director